



Chelmsford Local Plan

**Duty to Co-operate
Strategy**

January 2022

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- 1.1. Chelmsford City Council (CCC) is committed to co-operating with other bodies on strategic planning matters. We have a history of working together with neighbouring authorities and stakeholders on plan making and this continues today. This background of collaboration will provide a strong basis for us to continue effective joint working arrangements required to satisfy the legal duty test on our Local Plan review.
- 1.2. We adopted our current Duty to Co-operate Strategy in March 2015, ahead of developing our Local Plan which was adopted in May 2020. We have a statutory duty to complete a review of the Local Plan at least every five years. The review needs to take into account changing circumstances affecting the area and any relevant changes in national policy. Our adopted Local Plan covers the period to 2036, and the review will move the Local Plan forwards to 2041. It is the ideal time to refresh our Duty to Co-operate Strategy, ahead of this review.
- 1.3. Legislation and national planning policy require strategic policy-making authorities to co-operate with each other, and other bodies, when preparing or supporting the preparation of policies which address strategic matters that cross administrative boundaries. This includes those policies contained in local plans (including minerals and waste plans), spatial development strategies, and marine plans.
- 1.4. This Strategy outlines our commitment to implementing the duty to co-operate for our Local Plan review. It explains in broad terms who we will seek to co-operate with, when we will co-operate and what co-operation mechanisms we will put in place. It provides a valuable guide to co-operation activity, and forms part of the evidence base supporting the Local Plan review.
- 1.5. Although the duty to co-operate is not a duty to agree, we will make every effort to seek co-operation on cross-boundary and strategic planning matters in a focused, positive and structured way. At the same time, we will continue to work constructively with nearby planning authorities on their own local plan preparation.
- 1.6. When the Local Plan review is finalised and reaches its Independent Examination, one of the legal tests will be whether we have complied with the duty to co-operate. Early engagement and demonstrating co-operation both with neighbours and the prescribed bodies through Statements of Common Ground are key to meeting the legal duty to co-operate.
- 1.7. The Government's Planning White Paper: Planning for the Future was published in 2020 setting out a series of proposals to reform the planning system in England, including a proposal to remove the duty to co-operate test.
- 1.8. Further consideration to any alternative approach to planning for cross boundary strategic issues has not been concluded. Until any alternative approach is announced, we will continue to use our Duty to Co-operate Strategy to ensure that strategic issues are fully considered as an important and helpful part of the plan-making process.
- 1.9. Comments were invited on the draft Strategy in November 2021 to ensure we are taking the correct approach to meeting the duty to co-operate. Public bodies who are subject to the duty to co-operate were invited to comment and we have used the feedback to finalise the Strategy.

- 2.1. This Strategy outlines how we will co-operate and engage on strategic matters when reviewing our Local Plan. Strategic matters are larger than local issues and cannot be dealt with by one local planning authority alone. For example, the provision of new housing, jobs, retail, infrastructure, and flood risk mitigation may impact on or depend on other organisations.
- 2.2. The Strategy sets out the co-operation and engagement arrangements which the prescribed bodies (see Appendix 1) and nearby planning authorities (see Appendix 2) can expect from us on strategic planning matters.
- 2.3. The Strategy aims to:
 - Ensure proactive, on-going, focused and constructive co-operation on cross-boundary planning matters
 - Achieve legally compliant and 'sound' Local Development Documents, and
 - Facilitate effective strategic planning in the region.
- 2.4. We are determined to ensure that duty to co-operate activities positively influence the evolution of our Local Plan review and shape the proposals as they emerge. Whilst there is no duty to agree, we will make every effort to secure the necessary co-operation on strategic cross-boundary matters before we submit the Local Plan for Examination.

Strategic matters are defined in the Localism Act 2011 as:

(a) Sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and (b) Sustainable development or use of land in a two-tier area if the development or use - (i) is a county matter, or (ii) has or would have a significant impact on a county matter.

The Local Plan review will guide growth and development in Chelmsford City Council's administrative area for the period up to 2041. It will provide the Council's vision, objectives and Spatial Strategy. It will also contain Strategic Development Policies, Development Management Policies, Site Specific land use allocations and a Local Plan Policies Map.

This Strategy is concerned with the implementation of the Duty to Co-operate on the emerging review of the Chelmsford City Council Local Plan. It is a policy document that sits alongside the Council's Statement of Community Involvement (SCI).

3. Why do we need it?

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- 3.1. The Localism Act creates a duty on all local authorities and prescribed bodies (defined in Regulations and guidance) to co-operate with each other to address strategic matters relevant to their areas. Specific guidance on how authorities are expected to address strategic planning matters and apply the duty to co-operate is given in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). This guidance has been used to produce this Strategy.
- 3.2. When the Local Plan reaches its Independent Examination, one of the legal tests is whether we have complied with the duty to co-operate, as set out in the Planning and Compulsory Purchase Act 2004 (Para 33A). It is one of the first issues addressed at a local plan examination. Early engagement and demonstrating co-operation both with neighbours and Government bodies through Statements of Common Ground are key to meeting the legal duty to co-operate.
- 3.3. We will discuss the Local Plan review with neighbouring planning authorities and the prescribed bodies at stages which align with and inform the stages of the Local Plan review. These discussions will help to formulate the quantum and distribution of Chelmsford's future growth, which will be supported by updated evidence.

The estimated timetable for reviewing our Local Plan is set out within our emerging Local Development Scheme (LDS) and summarised below.

Local Development Scheme estimated timetable:

Issues and Options Consultation	May 2022
Preferred Options Consultation	Early 2023
Pre-Submission (Final Draft) Consultation	Early 2024
Submission of Local Plan for Examination	Summer 2024
Independent Examination	Autumn 2024
Adoption	May 2025

4. Who is the strategy for?

- 4.1. The Strategy is aimed at neighbouring and nearby local planning authorities, Essex County Council and a range of other prescribed bodies as defined in legislation and guidance. These are listed in Appendices 1 and 2. These prescribed bodies are required to co-operate with us on strategic cross-boundary planning matters of common concern.

The Strategy is not aimed at other Local Plan consultees such as local residents, community groups, Parish and Town Councils, landowners and developers as these are not duty to co-operate bodies. However, we will involve, engage and consult these people and organisations on our Local Plan review and when considering Planning Applications. More details are set out in our adopted [Statement of Community Involvement \(SCI\)](#).

5.1. There is potential for a number of cross-boundary issues. The strategic matters that may apply to the Local Plan have been identified as follows:

- Delivering homes for all including Gypsy and Traveller accommodation
- Jobs and economy including green employment and regeneration
- Retail, leisure, and cultural development
- Sustainable transport, highways and active travel
- Climate change action and mitigation including flood risk and zero carbon
- Natural and historic environment including increased biodiversity and green/blue/wild spaces and connectivity of ecological networks
- Community infrastructure including education, health and community facilities
- Utility infrastructure including communications, waste, water and energy
- London Stansted Airport future airspace redesign.

6. Our approach to duty to co-operate

6.1. We and many other councils have a history of working together and with other bodies to address strategic planning matters of common concern. This historical background of co-operation will provide a strong foundation for implementing the duty to co-operate.

6.2. We will seek to ensure co-operation and engagement is undertaken appropriately for the Local Plan review i.e. that it is proactive, continuous, rigorous and constructive.

6.3. In some cases, discussion on strategic matters will continue through existing joint working arrangements. Key existing partnerships include:

Essex Planning Officers Association (EPOA)

County-wide group which considers Essex-wide approaches to strategic issues including working groups and commissioning of shared evidence base.

Housing Market Area

Chelmsford, Braintree, Colchester and Tendring Councils.
Collaboration on Strategic Housing Market Assessment.

Essex Coast Recreation disturbance Avoidance Mitigation Strategy (RAMS) Steering Group

Ongoing partnership of 12 Essex LAs, ECC, Essex Wildlife Trust, Natural England, and RSPB. Mitigation programme for the effects of anticipated residential development on Essex coastal habitats sites.

Essex Coastal Forum

Brings together decision makers for a wide range of coastline management activity and initiatives including Essex RAMS.

Essex Climate Action Commission

Includes a range of climate bodies, Chelmsford represented by Brentwood District Council.
Advisory group to inform ECC on county-wide action to tackle climate change

Essex Flood Partnership

Key stakeholders including all Essex Planning Authorities to contribute to a strategic overview of matters around flooding in Essex, and ensure a consistent and coordinated approach to flood risk management.

North Essex Economic Board

CCC, Colchester, Braintree, Maldon, Uttlesford, Tendring and ECC
Co-operation on strategic growth issues.

Co-operation for Sustainable Development Officer Group

Includes West Essex and Neighbouring London Boroughs
Considers plan-making, delivery, and impact of growth in the West Essex sector.

East of England Strategic Spatial Planning Officers Liaison Group

Considers the cross-boundary implications of the London Plan on areas outside the capital in the East and South East of England.

Transport East

Sub-national transport body for Essex with Norfolk, Suffolk, Southend-on-Sea and Thurrock, working on regional transport strategy with the Government.

Chelmsford and Braintree Public Transport Group

Officers from CCC, Braintree, ECC and First Bus.
Information sharing on operational and network planning for the Chelmsford to Braintree transport corridor.

Strategic Estates Forum

NHS provider and commissioning representatives, with CCC and other LAs.
Planning for new health facilities to accommodate anticipated residential development.

- 6.4 Other mechanisms may need to be established and any new authorities and bodies will need to be proactively engaged, in addition to the existing bodies and networks, depending on the strategic matters of common concern.
- 6.5 Throughout the Local Plan preparation process, we will keep the list of strategic matters and opportunities for joint working under review, which will in turn influence our engagement and co-operation activities. We are proposing the following co-operation arrangements and events:
- Joint Officer and Member meetings, committees and working groups
 - Technical stakeholder meetings
 - Issue or location focused workshops where appropriate
 - Commissioning of joint evidence base studies and reports
 - Memorandums of Understanding as a framework for co-operation
 - Capturing key decisions from other authorities/bodies in Statements of Common Ground which we will maintain and update throughout the Local Plan review.
- 6.6 We will carry out these arrangements in addition to statutory Local Plan and planning application consultations, and general correspondence that we issue.

- 7.1. The duty to co-operate is a legal requirement under the Localism Act 2011 and is the first thing that the Planning Inspectorate will assess before considering whether the Plan is sound. To do this, the Planning Inspectorate will require comprehensive and robust evidence to demonstrate that the duty has been met for the Chelmsford City Council Local Plan at Examination (expected in Autumn 2024, see Paragraph 3.3).
- 7.2. We will monitor and report on co-operation and engagement activities through position statements at each stage of consultation to include notes of meetings, decisions taken and justification for actions taken. We will report these to meetings of the Council and use them to update our annual Authority Monitoring Report.
- 7.3. We will collate all this evidence into a Duty to Co-operate Statement of Compliance which we will submit alongside the Local Plan. This will highlight how preferred strategic approaches and policies have resulted from effective co-operation and joint working. This will also report on how we will take the duty forward through to plan implementation and monitoring.

Duty to co-operate bodies

The following 'Duty to Co-operate' bodies are relevant to the preparation and implementation of the Chelmsford City Council Local Plan:

- Essex County Council
- Neighbouring and nearby local planning authorities including Braintree, Basildon, Uttlesford, Castle Point, Colchester, Rochford, Harlow, Southend-on-Sea, Tendring, Thurrock, Brentwood, Epping Forest, Maldon and London Boroughs adjoining Essex (see Appendix 2)
- Environment Agency
- Historic Buildings and Monuments Commission for England (Historic England)
- Natural England
- Mayor of London (Greater London Authority)
- Civil Aviation Authority
- Homes England (previously the Homes and Communities Agency)
- Primary Care Trust / Clinical Commissioning Group
- National Health Service Commissioning Board (NHS England)
- Office of Rail and Road
- Transport for London
- Integrated Transport Authority (Transport East)
- Highway Authority (Essex County Council)
- National Highways
- Marine Management Organisation

Although not subject to the requirements of the duty, regard will also be had to the activities of the following:

- South East Local Enterprise Partnership
- Local Nature Partnership

All these organisations are registered on our Local Plan Consultation Database.

Map of adjoining or nearby planning authorities

Chelmsford City Council is adjoined by seven local planning authorities. Essex County Council is the local Highway Authority and Education Authority. It is also responsible for the Minerals and Waste Local Plans with Southend-on-Sea Unitary Authority.





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